



Entered on Docket
September 23, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining Second Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based In Part Upon Investment In
The Comvest Loan**

Hearing Date: August 30, 2011
Hearing Time: 10:30 a.m.

The Court having considered the "Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Comvest Loan," ("Comvest Loan") [DE 8692] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the

1 Objection having been filed; the Court noting on the record that the disallowance of the
2 Claims listed on **Exhibit A** does not affect the direct lenders' right to repayment by the
3 borrower or from the collateral securing the Comvest Loan; and good cause appearing:

4 **IT IS ORDERED** that:

- 5 1. The Objection [DE 8692] is sustained; and
6 2. The claims listed on **Exhibit A** attached are disallowed to the extent those
7 claims are based upon an investment in the Comvest Loan.

8
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11
12 By /s/ John Hinderaker (AZ #018024)

13 Robert M. Charles, Jr.

14 John Hinderaker (*pro hac vice*)

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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**USACM Trust
Com Vest Loan
Multiple Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Com Vest Capital Loan
10725-01445	11/14/2006	Brehmer, Hannah	188 Beacon Hill Dr Ashland, OR 97520	298,569.00	50,000.00
10725-02062	1/11/2007	Dery Tenants In Common, Ann R & James D	10 Longmeadow Ln Beachwood, OH 44122	303,615.18	50,000.00
10725-02304	1/13/2007	Erven J Nelson Ltd Psp Dtd 10/31/72	C/O Erven J Nelson Trustee 4915 S. Bonita Bay Drive St. George, UT 84790	500,000.00	50,000.00
10725-01743	12/7/2006	Goodness Living Trust Dtd 6/28/00	C/O Rachelle A Goodness Ttee 3985 Lake Placid Dr Reno, NV 89511-6780	100,000.00	50,000.00
10725-01541	12/7/2006	Graham Family Trust Dtd 10/26/78	Robin B & Celia Allen Graham Ttees 1460 Twinridge Rd Santa Barbara, CA 93111-1223	503,808.00	25,000.00
10725-02417	1/22/2007	Groh, Alan IRA	12613 Alcaacer Del Sol San Diego, CA 92128-4428	152,701.90	51,561.59
10725-02296	1/12/2007	Jayem Family LP	Jacques Massa, GP 207 Sandpiper Village Way Henderson, NV 89012	265,865.00	15,000.00
10725-02298	1/12/2007	Jayem Family LP Jacques Massa Gp	Jacques Massa, GP 207 Sandpiper Village Way Henderson, NV 89012	936,807.81	60,000.00
10725-01297	11/10/2006	Kiven, Norman	Andrew J Abrams Esq Sugar Friedberg & Felsenthal. LLP 30 N Lasalle St., Ste 3000 Chicago, IL 60602	1,040,000.00	Unknown
10725-01478	11/15/2006	Kiven, Norman	Andrew J Abrams Esq Sugar Friedberg & Felsenthal LLP 30 N Lasalle St., Ste. 3000 Chicago, IL 60602	96,496.00	Unknown
10725-02178	1/12/2007	Marshal Brecht Trust Dtd 2/5/86	Marshall J & Janet L Brecht Trustees 640 Colonial CIR Fullerton, CA 92835	3,418,022.00	100,000.00

EXHIBIT A

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